

REMARKS

Support for new claims 9-11 can be found, for example, in original claims 4-7. Support for new claims 12-13 can be found in the specification, for example, at page 1, lines 13-25. Support for new claim 14 can be found, for example, at page 2, lines 23-26 of the specification. Support for new claims 15-16 can be found in the specification, for example, at page 3, line 25 to page 4, line 6. No new matter has been added.

Restriction

A provisional election to prosecute Group I, Claim 1 was made on 18 September 2008 via telephone. Applicants' traverse the restriction requirement on the grounds that the Office Action fails to provide any rationale as to why search/examination of anything beyond a single claim (Group I) would constitute an undue burden. "If search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct invention." (Emphasis added.) See, M.P.E.P. §803.

Claim Objections

The claims have been amended to address the Examiner's objections.

Rejections under 35 USC §112

The amendments to claims render the rejections under 35 USC §112 moot. Thus, it is respectfully requested that the rejection under 35 USC §112 be withdrawn.

Rejections under 35 USC §102

Claim 1 stands rejected under 35 U.S.C. §102 as allegedly being anticipated by Kresheck (WO 98/2641). Claim 1 stands rejected under 35 U.S.C. §102 as allegedly being anticipated by Hruschka et al (US2003/0054084). The amendments to the claims, which clarify the invention and incorporate the features of previously presented claims 3 and 7, render the rejections moot. Thus, it is respectfully requested that the rejections under 35 U.S.C. §102 be withdrawn.

The present invention detects unknown contaminants of low concentration in a

hydrophobic liquid (e.g., fuel) whereas the disclosures of Kresheck and Hruschka deal with compositions of known origin, from which special compounds are separated.

Neither Kresheck nor Hruschka teach or suggest an extractant that is an amphoteric phospholipid, an anionic phospholipid or an anionic surfactant. The references are particularly silent regarding a water-soluble dye in an amount to allow good visibility of the aqueous phase.

Kresheck (WO 98/2641 which corresponds to US 5,271,840) discloses a method for protein isolation and partial purification from aqueous protein solutions (see column 2, lines 8 - 13), wherein the aqueous solution is mixed with a nonionic detergent mixture. Kresheck's method separates a hydrophobic protein from a hydrophilic protein (e.g., the separation of bovine serum albumin and B-facto globulin).

The method taught by Kresheck is not useful for determining the presence of biological material, hydrophilic compounds or particles in a hydrophobic/non-polar/non-ionic liquid matrix. In contrast, the method of the present invention detects biological materials in hydrophobic/non-polar/non-ionic liquid matrix (e.g., fuel and the like).

According to the method of Kresheck the aqueous solution comprising the biological material, which may comprise protein, is treated with a hydrophobic phase. The subsequent separation of the hydrophobic and the aqueous phases can only be carried out if the sample is cooled to 0 -10° C and then allowed to warm up to 12 - 20° C. Upon warming, the different phases are separated again. The treatment with the hydrophobic liquid takes place in order to purify the protein comprising aqueous phase.

Hruschka et al. (US 2003/0054084 which corresponds to WO 01/76385) discloses fractionation of a native raw material (e.g., egg yolk) which itself already contains lecithin and which is treated with an aqueous mixture containing an alcohol for separation. Hruschka et al. is silent regarding detecting biological materials in a hydrophobic/non-polar/non-ionic liquid matrix. Furthermore, Hruschka et al. extracts with alcohol and not an amphoteric phospholipid, an anionic phospholipid or an anionic

surfactant.

Entry of this amendment and reconsideration of all the rejections is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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